

REMARKS

Applicant thanks the Examiner for withdrawing the final rejection and indicating that the Klingler reference has been overcome.

Applicant however respectfully disagrees with the Examiner's conclusion regarding overcoming the Crichton reference. While the Examiner alleges that a "gateway controller" is not discussed in the invention disclosure documents, Applicant respectfully submits that such would clearly be inherent from within the discussion to enable the communications discussed. Further, the Examiner continues to bootstrap the priority date of the Crichton reference by looking to the Crichton reference itself, rather than the provisional. Accordingly, the legal test for evaluating both the Applicant's priority and the priority of the Crichton reference appears to be improper. In any event, Applicant respectfully preserves the issue for appeal.

I. Introduction

Claims 1-7 and 10-23 are pending in the above application.

Claims 1, 17 and 19 stand rejected under 35 U.S.C. § 112 ¶ 1.

Claims 1-7 and 10-23 stand rejected under 35 U.S.C. § 103.

Claims 1, 6, 13, 17 and 19 are independent claims.

II. Prior Art Rejections

A. Claims 1-3, 6-7, 10-16 and 19-23 stand rejected under 35 U.S.C. § 103 as being unpatentable over Long et al. (U.S. Pat. 5,940,508) in view of Dent (U.S. Pat. No. 5,081,679).

Neither Long nor Dent, taken alone or in combination disclose or suggest the claimed invention. Long discloses a seamless crypto rekey stream for a point-to-point communication. More particularly, Long discloses to store a plurality of keys on a encryption equipment 10 and decryption equipment 20, both of which contain a “KG Clock Counter” 30. A new key is used (aka switched over) when the KG clock counter reached a specified count value. Long, col. 2: 52-57 (“When the KG Clk counter 30 reaches a specified switchover value (checked by the comparator 60), the key MUX 50 switches from key variable 1 to key variable 2 (70)”). Long touts the benefit of performing the switchover based on the KG clocks and not other control options. Long, col. 2: 57-60 (“Both encryption equipments, 10 and 20, perform the switchover at exactly the same KG state because the switchover is based on KG clocks, and not based on time or other control options”).

Accordingly, Long does not disclose generating a second key at an encryptor and/or decryptor when a component used to transmit the Real Time Protocol voice packets changes during the communication session, as substantially recited by at least claim 1. Moreover, Long expressly teaches away from using any control options other than the KG clocks in stating “Both encryption equipments, 10 and 20, perform the switchover at exactly the same KG state because the switchover is based on KG clocks, and not based on time or other control options.” Long, col. 2: 57-60.

Dent also does not disclose such, and the Examiner does not appear to rely on Dent as disclosing such.

Accordingly, the combination of Long and Dent does not produce the claimed invention as it does not provide all of the claimed limitations of independent claims 1, 6,

13 or 19. Furthermore, the combination is improper as applied against Applicant's claims since Long teaches away from using any other "control option" than the KG clock to initiate a change in keys. Hence, Applicant respectfully requests the rejections to be withdrawn.

B. Claims 4 and 5 stand rejected under 35 U.S.C. § 103 as being unpatentable over Long in view of Dent and in view of Crichton et al. (U.S. Pub. No. 2002/0031126) and Non-Patent Literature "RTP Payload for DTMF Digits, Telephony Tones and Telephony Signals", May 2000; RFC 2833 (hereafter the "RTP Payload document"). Further, claims 17 and 18 stand rejected under 35 U.S.C. § 103 as being unpatentable over Long in view of Crichton in view of Dent.

The addition of Crichton and the RTP Payload document does not cure the deficiencies of the combination of Long and Dent. The Examiner does not appear to rely on Crichton nor the RTP Payload document for changing keys. Further, neither Crichton nor the RTP Payload document is capable of altering the express teaching away in the Long reference. Accordingly, claims 4, 5, 17 and 18 are patentable at least by virtue of their dependence on claim 1.

III. Conclusion

Having fully responded to the Office action, the application is believed to be in condition for allowance. Should any issues arise that prevent early allowance of the above application, the examiner is invited contact the undersigned to resolve such issues.

To the extent an extension of time is needed for consideration of this response, Applicant hereby requests such extension and the Commissioner is hereby authorized to charge deposit account number 502117 for any fees associated therewith.

Respectfully submitted,

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